

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

KATHRYN BETTS, Plaintiff, v. GREAT RESORTS VACATIONS, Defendant.	ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING THIRD CAUSE OF ACTION Case No. 1:23-cv-00103-TC-CMR Judge Tena Campbell Magistrate Judge Cecilia M. Romero
--	--

On July 29, 2024, United States Magistrate Judge Cecilia M. Romero issued a Report & Recommendation (R&R) recommending that the court dismiss without prejudice the Plaintiff's third cause of action asserting a violation of the Telemarketing Sales Rule (TSR). See 16 C.F.R. Part 310. The parties were given fourteen days to file objections to the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Nothing has been filed and the time for objecting has passed.

The court has reviewed the matter and the R&R for clear error and finds that it is correct in all material respects. See Fed. R. Civ. P. 72 Advisory Comm. Notes 1983 Addition Subdivision (b) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The court agrees that the Plaintiff has failed to allege \$50,000 in actual damages, which is a requirement for stating a claim under the TSR. See 15 U.S.C. § 6104(a). Accordingly, the court adopts the R&R (ECF No. 24) in its entirety.

ORDER

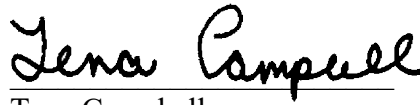
For the foregoing reasons, the court ORDERS as follows:

1. The Defendant's Motion for Judgment on the Pleadings (ECF No. 15) is GRANTED.

2. The Plaintiff's third cause of action asserting a claim under the TSR is DISMISSED without prejudice.

DATED this 13th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Tena Campbell", written over a horizontal line.

Tena Campbell
United States District Judge